

EXHIBIT 5

To the Declaration of Rakesh N.
Kilaru

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION

4

5 IN RE: COLLEGE ATHLETE NIL
6 LITIGATION

6 NO. 4:20-cv-03919 CW

7 _____ /

8
9
10
11
12
13

14 ** TRANSCRIPT MARKED CONFIDENTIAL **

15 VIDEOTAPED DEPOSITION OF SEDONA PRINCE

16 Thursday, January 19, 2023

17
18
19
20
21
22

23 Reported By:

24 LINDA VACCAREZZA, RPR, CLR, CRP, CSR. NO. 10201

25 JOB NO. 220887

1 THE VIDEOGRAPHER: This is the start of
2 Media labeled Number 1 of the video recorded
3 deposition of Sedona Prince in the matter In re:
4 College Athlete NIL litigation in the United States
5 District Court for the Northern District of
6 California, Oakland Division. Case number is
7 4:20-CV 03919-CW. This deposition is being held at
8 715 Hearst Avenue in Berkeley, California on
9 January 19th, 2023 at approximately 9:03 a.m.

10 My name is Joseph Blea. I'm the legal
11 video specialist from TSG Reporting, Inc.
12 headquartered at 228 East 45th Street, Suite 810,
13 New York, New York 10017. The court reporter today
14 is Linda Vaccarezza in association with TSG
15 Reporting.

16 Counsel, would you please introduce
17 yourselves starting with the questioning attorney.

18 MR. SOMVICHIAN: Yeah. Woody Somvichian
19 with Cooley representing the PAC-12.

20 MR. YASMEH: Joshua yasmeh from Cooley
21 representing the PAC-12.

22 MR. LAIRD: Robert Laird with Wilkinson
23 Stekloff for the NCAA.

24 MS. HOUCK: Pearlynn Houck with Robinson &
25 Bradshaw for the Southeastern Conference.

1 MS. SISCO: Emilee Sisco with Hagens

2 Berman Sobol Shapiro for the plaintiffs.

3 THE VIDEOGRAPHER: And also with you today

4 --

5 MS. SISCO: There's Jennifer Preston-

6 Gambler, Winston Stawn, also for the plaintiffs.

7 THE VIDEOGRAPHER: Thank you.

8 Will the court reporter please swear in

9 the witness.

10 SEDONA PRINCE,

11 Having been duly sworn by the Certified

12 Shorthand Reporter, was examined and testified as

13 follows.

14 EXAMINATION

15 BY MR. SOMVICHIAN:

16 Q. Good morning, Ms. Prince. I just
17 introduced myself a few minutes ago. So again, I
18 represent the PAC-12 and I'm going to ask you some
19 questions today about this litigation that you're
20 involved in.

21 You understand you're here in connection
22 with a litigation against several defendant?

23 A. Yes.

24 Q. Involving name image and likeness and
25 other issues?

1 A. Yes.

2 Q. Have you ever been deposed before?

3 A. No?

4 Q. So we'll just go through some quick ground
5 rules so that we have an organized day today.

6 You were just administered an oath. You
7 understand that you're obligated to give truthful
8 and accurate responses to the best of your ability?

9 A. Yes.

10 Q. Is there any reason you can't do that
11 today?

12 A. No.

13 Q. If I ask a question and you don't
14 understand, feel free to ask me to rephrase. I'll
15 try to do my best to ask a better question. If I
16 ask a question you don't ask for clarification and
17 respond, we'll assume that you understood the
18 question. Is that fair?

19 A. Yes.

20 Q. We can take breaks during the day. We can
21 figure out a schedule. I just ask that we don't
22 take breaks while a question is pending. Okay?

23 A. (Witness nods head up and down.)

24 Q. Your counsel might object to certain
25 questions throughout the course of the day. Unless

1 might have considered at the time?

2 A. At the time, it would have been Baylor,

3 Notre Dame. They had just won a championship.

4 Louisville was talented. University of Texas was

5 growing. And -- yeah. That was six years ago so

6 that's all I can remember.

7 Q. And so tell me about the process by which

8 you narrowed the choices and ultimately selected

9 University of Texas?

10 A. Well, I -- process was very long and they

11 come to your home and I go on visits. But

12 ultimately, I chose University of Texas because

13 it's 30 minutes from where I grew up in Austin.

14 Q. So the location and proximity of the

15 family ultimately was more important than going to

16 the most prestigious school like UConn for you?

17 A. That's correct.

18 Q. And every athlete makes their own

19 decisions and makes their decisions differently.

20 Agreed?

21 MS. SISCO: Objection. Calls for

22 speculation.

23 MR. SOMVICHIAN: I'm sorry. I didn't get

24 your answer.

25 THE WITNESS: I would agree that a lot of

1 different factors go into each college athlete's
2 decision.

3 BY MR. SOMVICHIAN:

4 Q. You were obviously a full scholarship
5 player at Texas, right?

6 A. Yes. I was.

7 Q. Do you know what the amount of the full
8 grant and aid was for you?

9 A. No, I do not.

10 Q. Could you estimate?

11 A. No, I could not.

12 Q. Would you and your family have been able
13 to afford tuition and cost and expenses at
14 University of Texas without the scholarship and
15 grant and aid from the university?

16 A. At that time, I don't think so. No.

17 Q. So obviously a benefit to you then to get
18 a scholarship and have the university pay those all
19 expenses?

20 A. It definitely was something that I worked
21 towards as a young female athlete to receive a full
22 scholarship and get a college degree for free.

23 Absolutely.

24 Q. And that's true for probably several
25 teammates that you've had along the way; is that

1 right?

2 MS. SISCO: Objection. Calls for
3 speculation. Sorry.

4 BY MR. SOMVICHIAN:

5 Q. The scholarship was something that enabled
6 them to get college education that they otherwise
7 could not have been able to afford?

8 MS. SISCO: Same objection.

9 THE WITNESS: I would say every college
10 athlete's experience is different. So I'm sure
11 that some student athletes did -- it did help them
12 a lot to put them in a position to be successful in
13 life.

14 BY MR. SOMVICHIAN:

15 Q. Did you know other specific teammates
16 where the scholarship they got for playing
17 basketball was essential for them to be able to go
18 to college?

19 A. Not off the top of my head. But I'm sure
20 I have friends and former athletes that have
21 absolutely benefited from that, yes.

22 Q. You actually didn't play at Texas, right?

23 A. No, I did not.

24 Q. So tell me about the circumstances that
25 led you not to be able to play?

1 A. So I was playing for the USA U-18 team.
2 And I had -- in my second semester of my first
3 summer at the University of Texas, I had broken my
4 leg in a game against Puerto Rico. And I
5 required a tibia and fibular repair.

6 Q. Was that in the summer before starting at
7 Texas?

8 A. Yes, it was.

9 Q. And you had an issue with getting from
10 your perspective adequate support for the rehab
11 process and the expenses associated with that,
12 correct?

13 A. Yes. I didn't feel that that -- I didn't
14 feel very safe, that's correct. I didn't feel like
15 I was getting support that I needed.

16 Q. Tell me more about that.

17 A. I was receiving a lot of medical bills
18 that me or my family could not pay at the time.
19 And neither USA Basketball or the University of
20 Texas would pay them. And so they gathered in
21 collections over the years.

22 And then I also was not -- I was
23 prescribed a physical therapist from my doctor but
24 never received one. And was working with a trainer
25 for six months that had never worked with a broken

1 Q. They have your name in the left column?

2 A. Yeah. Yeah, that's me.

3 Q. And then there are other columns here for
4 transaction type, cost, payment type, and vendor
5 name. Do you see that?

6 A. Yes.

7 Q. Okay. So we understood this to be the
8 University of Oregon's tracking of student athletes
9 NIL deals, does that seem correct to you in looking
10 at this document?

11 A. This is what I reported to the University
12 of Oregon that is correct.

13 Q. So the entries here that are highlighted
14 that bear your name in the left column are things
15 that you would have reported to the University in
16 that process that we talked about earlier today?

17 A. Myself or my manager at the time.

18 Q. Okay. Same thing with the other document
19 that has also has a few entries that are
20 highlighted with your name?

21 A. Yes. Yes. This is through Open Doors. I
22 think it is.

23 Q. So in looking -- I'm sorry, what is your
24 understanding of this version?

25 A. This is Open Doors. So this is what -- I

1 reported this to them through maybe Influencer.

2 And this just came straight through the Open Doors
3 app.

4 Q. Which was an alternative way of reporting
5 your deals to the University?

6 A. Yes. I don't remember how the reporting
7 all went, it was crazy and then we ended up
8 switching the ways to do it. Like halfway through
9 the year. So it was all kind of a mess.

10 Q. Okay. So if you look at the combination
11 of the first two documents with the highlighted
12 entries with your name, is it apparent to you that
13 there are some deals that you've done that are not
14 included?

15 A. Yes, that's correct.

16 Q. Any jump out just looking at it? I'm not
17 trying to get a complete list, but I am just trying
18 to establish that there are other deals that you've
19 done that are not reflected in either of these two
20 documents?

21 A. I couldn't tell you which ones are not
22 included in this, but I know that there are some
23 that are not.

24 Q. Do you keep your own tracking in some way
25 of the NIL deals that you've done?

1 A. I had not throughout the year. And then
2 after I graduated and became not eligible anymore I
3 went back and kind of counted them all up.

4 Q. What did you look at to take inventory of
5 your deals?

6 A. Contracts. The contracts that I --

7 Q. I see. It wasn't some separate tracking
8 document that listed everything?

9 A. No. No. It was just contracts that I'd
10 gone through my DocuSign.

11 Q. I see. And you couldn't have relied on
12 the materials that the University of Oregon tracked
13 because those looked to be incomplete?

14 A. That's correct.

15 Q. All right. Do you know why they don't
16 include some of the deals that you've done?

17 A. Because they were not disclosed.

18 Q. So there were deals that you did that for
19 whatever reason weren't reported to the University?

20 A. That's correct.

21 Q. Was that just an omission, or did you
22 decide not to report some, or how did that happen?

23 A. It was just -- it was an accumulation of a
24 few different factors, but yeah, just overwhelmed,
25 just couldn't really figure out the system. It was

1 you could participate in these division street
2 transactions like that NFT deal?

3 A. I didn't really think about that. I
4 didn't really care about that.

5 Q. Have you talked to other student athletes
6 that have gone through a similar decision on should
7 I go pro, should I stay another year and talk to
8 them about their decision-making process?

9 A. No.

10 Q. Have any of your teammates been through
11 that process?

12 A. No.

13 Q. Anybody that you know on the men's team?

14 A. Not when I was there. No.

15 Q. Do you have a current expectation on the
16 WNBA draft where you might be positioned and what
17 that might entail for compensation?

18 A. No, I have no idea. It's all up in the
19 air.

20 Q. Okay. Is that something that you talked
21 with the Wasserman team about?

22 A. Briefly. Here and there mostly about the
23 injury though and about how that would affect it.

24 Q. Would you expect that they would be
25 involved in representing you as you pursued your

1 pro career?

2 A. If I decide to reassign them as my pro
3 agents.

4 Q. You haven't made that decision yet?

5 A. No.

6 Q. Do you know what the range of a WNBA
7 salary is roughly?

8 A. 60 thousand to 100 and 20,000, roughly.

9 Q. You are making more than that in the NIL
10 deals or were at the time that you were actively
11 pursuing them, right?

12 A. That's correct.

13 Q. Have you stopped entirely doing any kind
14 of transactions related to the NIL?

15 A. Yes.

16 Q. Since when?

17 A. Last deal I did was Buick, so it's been
18 about a month. Month and a half.

19 Q. Okay. so recently?

20 A. Yes.

21 Q. Do you have an expectation on how long
22 you're going to keep that on ice and focus on
23 rehab?

24 A. No, I have no idea.

25 Q. At some point, do you expect to get back

1 into and pursue NIL deals again?

2 A. Possibly.

3 Q. You haven't made up your mind?

4 A. No.

5 Q. How much do you think you made in 2022 on
6 NIL deals?

7 A. From July 1st to 2021 to July 1st, 2022?

8 Is that what you're asking? That fiscal year?

9 Q. Yeah. We can do that slice of time?

10 A. Since I've been a college athlete, I've
11 made roughly about \$500,000.

12 Q. And that would have started at the time in
13 sometime after July of 2021 up to when you left.

14 A. From when I signed that contract with
15 Paridy to a month and a half ago, yeah.

16 Q. Buick?

17 A. Yeah, Buick.

18 Q. So Paridy was the first deal. Buick was
19 the last one?

20 A. That's correct.

21 Q. Do you know if the Paridy deal was
22 specific to your status as a college athlete?

23 A. In what sense?

24 Q. Meaning would they -- would that
25 opportunity have been available to you if you

1 weren't a college athlete?

2 MS. SISCO: Objection. Calls for
3 speculation.

4 THE WITNESS: I don't know. All I know is
5 that I was the first college althelete.

6 BY MR. SOMVICHIAN:

7 Q. And certainly the Division Street deals
8 are only for current athletes at the university,
9 right?

10 A. Yes.

11 Q. Do you believe that in some circumstances
12 college athletes can make more on the NIL deals
13 than they could by going pro?

14 MS. SISCO: Objection. Calls for
15 speculation and her opinion.

16 THE WITNESS: I wouldn't know in every
17 case. But I know that in mine, I made more than
18 WMBA salary, but not overseas or professional
19 contracts in any sense. So I wouldn't agree with
20 that.

21 BY MR. SOMVICHIAN:

22 Q. And in your instance, it's pretty clear
23 you have made more than the most that you could
24 make in the first couple of years based on a WMBA
25 salary, right?

1 affect anything when I was in high school.

2 BY MR. SOMVICHIAN:

3 Q. If you knew that you could earn some
4 specific amount at one school and a significantly
5 greater amount at a different school, would that
6 have been at least one relevant consideration that
7 you would have given thought to in terms of where
8 you might prefer to go?

9 MS. SISCO: Objection. Asked and
10 answered. And this question has been asked
11 numerous times. I think she's answered it to the
12 best of her ability.

13 MR. SOMVICHIAN: That was a different
14 subject.

15 Q. But go ahead.

16 A. Yeah. I don't know. There's no saying.

17 Q. I think earlier, you testified that when
18 you opted to go to Texas, that had it not been for
19 the availability of a full scholarship, it wasn't
20 clear whether your patients would be able to afford
21 the full cost of your tuition and everything else;
22 is that right?

23 A. I mean, at that time, I wouldn't know.
24 But I had been recruited and committed eighth grade
25 so. I would assume that I would have had full

1 scholarships.

2 Q. Do you know any teammates that you've
3 played with over the years for whom getting five,
4 ten, \$12,000 would have been significant benefit to
5 them?

6 MS. SISCO: Objection. That calls for
7 speculation. Vague.

8 THE WITNESS: I have no idea. I can't
9 speak on other athletes' behalf.

10 BY MR. SOMVICHIAN:

11 Q. Isn't that what you're doing in this case,
12 Ms. Prince?

13 MS. SISCO: She's representing --

14 THE WITNESS: Yes. Representing other
15 athletes but not speaking for them in their own
16 financial circumstances.

17 BY MR. SOMVICHIAN:

18 Q. Yeah. I'm just asking whether you've ever
19 had a conversation or otherwise came to know of any
20 of your teammates having financial circumstances
21 where it would have benefited them to receive ten,
22 \$12,000, where it might make a difference to them.

23 A. I've had -- I mean, I can't remember if
24 I've had those certain conversations. But I have
25 had teammates in the past that have struggled

1 financially and their families have as well.

2 Q. Who do you have in mind when you say that?

3 A. My old teammate Phillipina Shea. She's a
4 college student athlete from -- she was from Ghana
5 and she had to go to Canada to the Cambridge
6 school.

7 Q. You've had teammates over the years that
8 you knew could not have afforded college if they
9 didn't have that scholarship, right?

10 MS. SISCO: Objection. Calls for
11 speculation. And you are here representing other
12 athletes in this lawsuit. But you are not -- your
13 role is not to speculate about other athletes'
14 situations if you don't know.

15 THE WITNESS: Yeah. I don't know
16 personally. And I don't know about their financial
17 circumstances.

18 MR. SOMVICHIAN: Counsel, your role is not
19 to make speaking objections, so.

20 Q. If in your circumstances, Ms. Prince, if
21 you knew at one school, you could make \$5,000 from
22 a revenue share and a different school, you could
23 make \$12,000, would that have been something you
24 would have considered at least as part of your
25 decision making process?

1 MS. SISCO: Objection. Asked and
2 answered.

3 THE WITNESS: The answer is no.

4 BY MR. SOMVICHIAN:

5 Q. Why not?

6 A. Because I'm -- because college for me was
7 about the experience and being safe and feeling
8 like I could grow and learn the best for my life
9 and not money.

10 Q. I understand there were other important
11 factors to you. But don't you think you would have
12 at least considered one relevant consideration?

13 MS. SISCO: Objection. Asked and
14 answered. She's answered this question.

15 MR. SOMVICHIAN: A difference in the
16 amount that you could have made at a particular
17 school?

18 MS. SISCO: Objection. Asked and
19 answered.

20 THE WITNESS: I wouldn't know. I couldn't
21 guess.

22 BY MR. SOMVICHIAN:

23 Q. If you were looking at two options that
24 you were both comfortable with from the standpoint
25 of your other priorities, wouldn't a difference in